



EXPRESS MAIL MAILING LABEL	
NUMBER	EL 522 496 449 US
I hereby certify that this paper or fee is being deposited with the United States Postal Service "EXPRESS MAIL POST OFFICE TO ADDRESSEE" service under 37 C.F.R. 1.10 on the date indicated above and is addressed to: Assistant Commissioner for Patents, Washington D.C. 20231.	
April 3, 2001	<i>Rhonda Fairchild</i>
Date	Rhonda Fairchild

## PATENT

### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Rajindra Aneja

Serial No.: Unknown

Former Serial No.: 08/872,222

Filed: April 3, 2001

For: MOLECULAR PROBES AND  
MODULATORS FOR PI-PLC AND PI 3  
KINASE

Assistant Commissioner for Patents  
Washington, D.C. 20231

Group Art Unit: 1626

Examiner: Ambrose, M.G.

Atty. Dkt. No.: 4020.000499

### I, RAJINDRA ANEJA, HEREBY DECLARE AS FOLLOWS:

1. I am the sole inventor of the subject matter disclosed and claimed in the captioned patent application.
2. I am the sole inventor of the subject matter disclosed and claimed in U.S. Application Serial No. 08/872,222, to which the present application claims priority.

3. I am a citizen of the United States and reside in Ithaca in the state of New York.

4. I am Director of Nutrimed Biotech, the assignee of the captioned patent application.

5. I have reviewed each of the Official Actions issued by the U.S. Patent and Trademark Office (P.T.O.) in U.S. Application Serial No. 08/872,222. I disagree with the rejections that remained at the conclusion of examination of U.S. Application Serial No. 08/872,222.

6. I understand that the claims that did not progress to allowance in U.S. Application Serial No. 08/872,222 are being filed in the captioned patent application and that any rejections remaining at the conclusion of examination of U.S. Application Serial No. 08/872,222 should be addressed in this application.

7. I understand that in an Advisory Action in U.S. Application Serial No. 08/872,222 dated October 12, 2000, the P.T.O. raised the possibility that one or more prior art-based rejections could be entered based upon four newly-cited references.

8. The four references attached to the Advisory Action are: Thum *et al.*, cited as a 1997 ACS reference to an original article by Thum *et al.* published as *Tetrahedron Lett.*, 37(50):9017-9020, 1996; Wang and Chen, cited as a 1996 ACS reference to an original article by Wang and Chen published as *J. Org. Chem.*, 61(17):5905-5910, 1996; Reddy *et al.*, cited as a 1996 ACS reference to an original article by Reddy *et al.* published as *J. Org. Chem.*, 60(11): 3385-3390,

1995; and Bruzik and Kubiak, cited as a 1995 ACS reference to an original article by Bruzik and Kubiak published as *Tetrahedron Lett.*, 36(14): 2415-2418, 1995.

9. I do not believe that the references by Wang and Chen, Reddy *et al.* or Bruzik and Kubiak disclose the phosphoinositide analogues of the present invention, which are based on phosphatidylinositolphosphate, wherein the 2-OH is rendered non-nucleophilic by derivatization or replacement or wherein a reporter group or conjugand is incorporated in the fatty acyl or inositol residue.

10. The cited Thum *et al.* article was attached to the Advisory Action as a 1997 ACS reference to an original article by Thum *et al.* published in the journal *Tetrahedron Lett.*, in 1996. The original Thum *et al.* reference was published in December 1996 (**Exhibit A**).

11. The cited Wang and Chen article was attached to the Advisory Action as a 1996 ACS reference to an original article by Wang and Chen published in the journal *J. Org. Chem.*, in 1996. The original Wang and Chen reference was published in August 1996 (**Exhibit B**).

12. I am providing the present declaration and attached documentary evidence to demonstrate that the invention disclosed and claimed in U.S. Application Serial No. 08/872,222 and in the captioned patent application was made in the United States prior to December 1996 and prior to August 1996. That is, that the invention disclosed and claimed in my applications was made in the United States prior to the publication date of each of the original articles cited by the P.T.O. as Thum *et al.*, 1996 and Wang and Chen, 1996.

13. Evidence of the fact that the invention of U.S. Application Serial No. 08/872,222 and the captioned patent application was made in the United States prior to August 1996, the earlier date of the two cited references, is already available to the P.T.O.

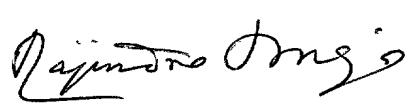
14. This evidence available to the P.T.O. takes the form of provisional application Serial No. 60/019,651, to which U.S. Application Serial No. 08/872,222 and the captioned patent application each claim priority. Provisional application Serial No. 60/019,651 was filed with the U.S. Patent and Trademark Office on June 11, 1996, *i.e.*, prior to the August 1996 date of the earlier of the two cited references. The studies embodied in provisional application Serial No. 60/019,651 were conducted in the United States.

15. Based upon the foregoing evidence, I declare that the invention of U.S. Application Serial No. 08/872,222 and the captioned patent application was made in the United States prior to the August 1996 publication date of the original article by Wang and Chen, 1996, the earlier of the foregoing references cited by the P.T.O.

16. I hereby declare that all statements made herein of my knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

March 19, 2001

Date



Rajendra Aneja

TECH99-06592650

5/3/1

DIALOG(R) File 34:SciSearch(R) Cited Ref Sci  
(c) 2000 Inst for Sci Info. All rts. reserv.

05426844 Genuine Article#: VY073 No. References: 23

**Title: SYNTHESIS OF A PHOTOAFFINITY ANALOG OF PHOSPHATIDYLINOSITOL  
3,4-BISPHOSPHATE, AN EFFECTOR IN THE PHOSPHOINOSITIDE 3-KINASE  
SIGNALING PATHWAY**

Author(s): THUM O ; CHEN J; PRESTWICH GD

Corporate Source: UNIV BONN, INST ORGAN CHEM & BIOCHEM/D-53121  
BONN//GERMANY//; SUNY STONY BROOK, DEPT CHEM/STONY BROOK//NY/11794

Journal: **TETRAHEDRON LETTERS**, 1996, V37, N50 (DEC 9), P9017-9020

ISSN: 0040-4039

Language: ENGLISH Document Type: ARTICLE (Abstract Available)

05160310   Genuine Article#: VE272   Number of References: 29

**Title: SYNTHESIS OF THE D-3 SERIES OF PHOSPHATIDYLINOSITOL PHOSPHATES (Abstract Available)**

Author(s): WANG DS ; CHEN CS

Corporate Source: UNIV KENTUCKY, COLL PHARM, DIV MED CHEM &  
PHARMACEUT/LEXINGTON//KY/40536; UNIV KENTUCKY, COLL PHARM, DIV MED CHEM &  
PHARMACEUT/LEXINGTON//KY/40536

Journal: JOURNAL OF ORGANIC CHEMISTRY, 1996, V61, N17 (AUG 23), P 5905-5910

TSSN: 0022-3263

Language: ENGLISH Document Type: ARTICLE

Abstract: The 3-mono-, 3,4-bis-, and 3,4,5-trisphosphates of L-alpha-phosphatidyl-D-myo-inositol have been synthesized in their optically active forms from the two enantiomers of 1,2:5,6-di-O-cyclohexylidenemyo-inositol. These chiral precursors were prepared by a facile biocatalytic resolution, in which the 8-butyryl ester of the racemic compound was subjected to enantioselective hydrolysis by porcine pancreatic lipase in a biphasic system. The overall yield from individual chiral precursors ranged from 32% for the 3,4,5-trisphosphate to 39% for the monophosphate.

## DECLARATION FOR PATENT APPLICATION

Docket Number (Optional)

As a below named inventor, I here declare that.

My residence, post office address and citizenship are as stated below next to my name.

APR 03 2001  
JC8e  
PATENT & TRADEMARK  
My residence, post office address and citizenship are as stated below next to my name.  
I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled Molecular Probes and Modulators for PI-PLC and PI 3-kinase, the specification of which

is attached hereto unless the following box is checked:

was filed on \_\_\_\_\_ as United States Application Number or PCT International Application Number \_\_\_\_\_ and was amended on \_\_\_\_\_ (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed.

## Prior Foreign Application(s)

## Priority Claimed

Yes  No

Yes  No

Yes  No

(Number)

(Country)

(Day/Month/Year Filed)

(Number)

(Country)

(Day/Month/Year Filed)

(Number)

(Country)

(Day/Month/Year Filed)

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

(Application Number) (Filing Date) (Status - patented, pending, abandoned)

(Application Number) (Filing Date) (Status - patented, pending, abandoned)

I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

Address all telephone calls to \_\_\_\_\_ at telephone number \_\_\_\_\_

Address all correspondence to \_\_\_\_\_

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor (given name, family name) Rajindra Aneja

Inventor's signature Rajindra Aneja Date 06.10.97

Residence Ithaca, NY 14850 Citizenship U.S.A.

Post Office Address Nutrimed Biotech, Cornell Univ. Res. Park  
270-276 Langmuir Laboratory, 95 Brown Rd. Ithaca, NY 14850

Full name of second joint inventor, if any (given name, family name) \_\_\_\_\_

Second Inventor's signature \_\_\_\_\_ Date \_\_\_\_\_

Residence \_\_\_\_\_ Citizenship \_\_\_\_\_

Post Office Address \_\_\_\_\_

Additional inventors are being named on separately numbered sheets attached hereto.



PATENT  
NUBI:004

### DECLARATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or the below named inventors are the original, first and joint inventors (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled **MOLECULAR PROBES AND MODULATORS FOR PI-PLC and PI 3-KINASE**, the Specification of which:

is attached hereto.  
 was filed on June 10, 1997 as Application Serial No. **08/872,222**.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims.

I acknowledge the duty to disclose to the Patent and Trademark Office all information known to me to be material to patentability of the subject matter claimed in this application, as "materiality" is defined in Title 37, Code of Federal Regulations, § 1.56.

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose all information known to me to be material to patentability of the subject matter claimed in this application, as "materiality" is defined in Title 37, Code of Federal Regulations, § 1.56, which become available between the filing date of the prior application and the national or PCT international filing date of this application:

60/019,651 (Application Serial No.)	June 11, 1996 (Filing Date)	Pending (Status)
<hr/>		
(Application Serial No.)	(Filing Date)	(Status)

I hereby direct that all correspondence and telephone calls be addressed to Shelley P.M. Fussey, Arnold, White & Durkee, P.O. Box 4433, Houston, Texas 77210, (512) 418-3000.

I hereby declare that all statements made of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are



punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Inventor's Full Name:	Rajendra		Aneja
Inventor's Signature:	<i>Rajendra Aneja</i>		
Country of Citizenship:	U.S.A.	Date: August 25, 1998	
Residence Address: (street, number, city, state, and/or country)	322 Sunnyview Lane Ithaca, NY 14850		
Post Office Address: (if different from above)			

<p style="text-align: center;"><b>VERIFIED STATEMENT CLAIMING SMALL ENTITY STATUS (37 CFR 1.9(n) &amp; 1.27(c))--SMALL BUSINESS CONCERN</b></p>		Docket Number (Optional)
<p>2001 APR 03 PATENT &amp; TRADEMARK OFFICE</p> <p>Applicant or Patentee: <u>Rajindra Aneja</u> Serial or Patent No.: _____ Filed or Issued: _____ Title: <u>Molecular Probes and Modulators for PI-PLC and PI 3-kinase</u></p>		
<p>I hereby declare that I am</p> <p><input checked="" type="checkbox"/> the owner of the small business concern identified below;  <input type="checkbox"/> an official of the small business concern empowered to act on behalf of the concern identified below:</p>		
<p>NAME OF SMALL BUSINESS CONCERN <u>Nutrimed Biotech, Cornell Univ. Res. Park</u>  ADDRESS OF SMALL BUSINESS CONCERN <u>270-276 Langmuir Laboratory</u>  <u>95 Brown Rd, Ithaca, NY 14850</u></p>		
<p>I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 37 CFR 121.12, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees to the United States Patent and Trademark Office, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.</p>		
<p>I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention described in:</p>		
<p><input checked="" type="checkbox"/> the specification filed herewith with title as listed above.  <input type="checkbox"/> the application identified above.  <input type="checkbox"/> the patent identified above.</p>		
<p>If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights in the invention must file separate verified statements averring to their status as small entities, and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d), or a nonprofit organization under 37 CFR 1.9(e).</p>		
<p>Each person, concern or organization having any rights in the invention is listed below:</p> <p><input checked="" type="checkbox"/> no such person, concern, or organization exists.  <input type="checkbox"/> each such person, concern or organization is listed below.</p>		
<p>Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)</p>		
<p>I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))</p>		
<p>I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.</p>		
<p>NAME OF PERSON SIGNING <u>Rajindra Aneja</u></p>		
<p>TITLE OF PERSON IF OTHER THAN OWNER _____</p>		
<p>ADDRESS OF PERSON SIGNING <u>Nutrimed Biotech, Cornell Univ. Res. Park</u>  <u>270-276 Langmuir Laboratory, 95 Brown Rd, Ithaca</u>  SIGNATURE <u>Rajindra Aneja</u> DATE <u>06.10.97</u> NY <u>14850</u></p>		



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:  
Rajindra Aneja

Serial No.: 08/872,222

Filed: June 10, 1997

For: MOLECULAR PROBES AND  
MODULATORS FOR PI-PLC AND PI  
3-KINASE

Group Art Unit: 1613

Examiner: Ambrose, M.

Atty. Dkt. No.: NUBI:004/FUS

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS**  
**(37 CFR §§ 1.9(F) AND 1.27(C)) - SMALL BUSINESS CONCERN**

I hereby declare that I am

the owner of the small business concern identified below:  
 an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF SMALL BUSINESS CONCERN: NUTRIMED BIOTECH  
ADDRESS OF SMALL BUSINESS CONCERN: Cornell University Res. Park  
270-276 Brown Road

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR § 121.3-18, and reproduced in 37 CFR § 1.9(d), for purposes of paying reduced fees to the United States Patent and Trademark Office, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above.

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below\* and no rights to the invention are held by any person, other than the inventor, who could not qualify as an independent inventor under 37 CFR § 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR § 1.9(d), or a nonprofit organization under 37 CFR § 1.9(e).

\*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR § 1.27)

FULL NAME:	N/A
ADDRESS:	
<input type="checkbox"/> INDIVIDUAL	<input type="checkbox"/> SMALL BUSINESS CONCERN <input type="checkbox"/> NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR § 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Signature: Rajindra Aneja  
Name: Rajindra Aneja  
Title: DIRECTOR

DATE: August 25, 1998.



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:  
Rajindra Aneja

Serial No.: 08/872,222

Filed: June 10, 1997

For: MOLECULAR PROBES AND  
MODULATORS FOR PI-PLC AND PI  
3-KINASE

Group Art Unit: 1613

Examiner: Ambrose, M.

Atty. Dkt. No.: NUBI:004/FUS

ELECTION UNDER 37 C.F.R. §§ 3.71 AND 3.73  
AND POWER OF ATTORNEY

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

The undersigned, being Assignee of record of the entire interest in the above-identified application by virtue of an assignment recorded in the United States Patent and Trademark Office as set forth below, hereby elects, under 37 C.F.R. § 3.71, to prosecute the application to the exclusion of the inventor.

The Assignee hereby revokes any previous Powers of Attorney and appoints:

J. Paul Williamson, Reg. No. 29,600; Shelley P.M. Fussey, Reg. No. 39,458; David W. Hibler, Reg. No. 41,071; Steven L. Highlander, Reg. No. 37,642; David L. Parker, Reg. No. 32,165; Gary J. Sertich, Reg. No. 34,430; Mark B. Wilson, Reg. No. 37,259; and Richard A. Nakashima, Reg. No. 42,023;

each an attorney or agent of the firm of ARNOLD, WHITE & DURKEE, as its attorney or agent for so long as they remain with such firm, with full power of substitution and revocation, to prosecute the application, to make alterations and amendments therein, to transact all business in the Patent and Trademark Office in connection therewith, and to receive any Letters Patent, and for one year after issuance of such Letters Patent to file any request for a certificate of correction that may be deemed appropriate.

Pursuant to 37 C.F.R. § 3.73, the undersigned has reviewed the evidentiary documents, specifically the Assignment to NUTRIMED BIOTECH, referenced below, and certifies that to the best of my knowledge and belief, title remains in the name of the Assignee.

Please direct all communications as follows:

Shelley P.M. Fussey  
ARNOLD, WHITE & DURKEE  
P.O. Box 4433  
Houston, Texas 77210-4433  
(512) 418-3000

ASSIGNEE:  
NUTRIMED BIOTECH

By: Rajendra Aneja  
Name: Rajendra Aneja  
Title: DIRECTOR  
Date: August 25, 1998.

ASSIGNMENT:

Concurrently filed  
 Previously recorded

Date: \_\_\_\_\_

Reel: \_\_\_\_\_

Frames: \_\_\_\_\_



**PATENT**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:  
Rajindra Aneja § Group Art Unit: 1613  
Serial No.: 08/872,222 § Examiner: Ambrose, M.G.  
Filed: June 10, 1997 § Atty. Dkt. No.: 4020.000400  
For: MOLECULAR PROBES AND §  
MODULATORS FOR PI-PLC §  
AND PI 3 KINASE §

**ELECTION UNDER 37 C.F.R. §§ 3.71 AND 3.73**  
**AND POWER OF ATTORNEY**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

The undersigned, being Assignee of record of the entire interest in the above-identified application by virtue of an assignment recorded in the United States Patent and Trademark Office as set forth below, hereby elects, under 37 C.F.R. § 3.71, to prosecute the application to the exclusion of the inventor.

The Assignee hereby revokes any previous Powers of Attorney and appoints:

Danny L. Williams, Reg. No. 31,892; Terry D. Morgan, Reg. No. 31,181; J. Mike Amerson, Reg. No. 35,426; Kenneth D. Goodman, Reg. No. 30,460; Jeffrey A. Pyle, Reg. No. 34,904; Randall C. Furlong, Reg. No. 35,144; Scott F. Diring, Reg. No. 35,119; Jeffrey E. Hundley, Reg. No. 42,676; George J. Oehling, Reg. No. 40,471; Shelley P.M. Fussey, Reg. No. 39,458; and David W. Hibler, Reg. No. 41,071;

each an attorney or agent with the law firm of WILLIAMS, MORGAN & AMERSON, P.C., as its attorney or agent so long as they remain with such law firm, with full power of substitution and revocation, to prosecute the application, to make alterations and amendments therein, to transact all business in the Patent and Trademark Office in connection therewith, and to receive any Letters Patent, and for one year after issuance of such Letters Patent to file any request for a certificate of correction that may be deemed appropriate.

Pursuant to 37 C.F.R. § 3.73, the undersigned has reviewed the evidentiary documents, specifically the Assignment to NUTRIMED BIOTECH, referenced below, and certifies that to the best of my knowledge and behalf, title remains in the name of the Assignee.

Please direct all communications as follows:

Shelley P.M. Fussey  
WILLIAMS, MORGAN & AMERSON, P.C.  
7676 Hillmont, Suite 250  
Houston, Texas 77040  
(713) 934-7000

ASSIGNEE:  
NUTRIMED BIOTECH

BY: Rajindra Aneja  
Name: Rajindra Aneja  
Title: DIRECTOR  
Date: 05-13-1999

ASSIGNMENT:

Concurrently filed  
 Previously recorded  
Date: 12/07/1998  
Reel: 9623  
Frame: 0249

## ASSIGNMENT OF THE INVENTION

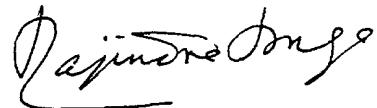
Commissioner of Patents and Trademarks  
U.S. Department of Commerce  
Washington D.C. 20231

Dear Sir/Madam:

RE: Patent Application entitled, "Probes and Modulators for PI-PLC and PI 3-kinase"

As the original, first and sole inventor of the above titled invention for which a patent is sought, I hereby nominate Nutrimed Biotech as the assignee.

Respectfully submitted,



Rajendra Aneja

Dated: 06.10.97

OCTOBER 10 1997

ASSIGNMENT

FOR GOOD AND VALUABLE CONSIDERATION, the receipt, sufficiency and adequacy of which are hereby acknowledged, the undersigned, does hereby:

SELL, ASSIGN AND TRANSFER to NUTRIMED BIOTECH (the "Assignee"), having a place of business at Cornell University Research Park, 270-276 Langmuir Laboratory, Ithaca, New York 14850, the entire right, title and interest for the United States and all foreign countries in and to any and all improvements which are disclosed in the application for United States Letters Patent, Serial No. 08/872,222 which has been filed on **June 10, 1997** and is entitled "**MOLECULAR PROBES AND MODULATORS FOR PI-PLC AND PI 3-KINASE**", such application and all divisional, continuing, substitute, renewal, reissue and all other applications for patent which have been or shall be filed in the United States and all foreign countries on any of such improvements; all original and reissued patents which have been or shall be issued in the United States and all foreign countries on such improvements; and specifically including the right to file foreign applications under the provisions of any convention or treaty and claim priority based on such application in the United States;

AUTHORIZE AND REQUEST the issuing authority to issue any and all United States and foreign patents granted on such improvements to the Assignee;

WARRANT AND COVENANT that no assignment, grant, mortgage, license or other agreement affecting the rights and property herein conveyed has been or will be made to others by the undersigned, and that the full right to convey the same as herein expressed is possessed by the undersigned;

COVENANT, when requested and at the expense of the Assignee, to carry out in good faith the intent and purpose of this assignment, the undersigned will execute all divisional, continuing, substitute, renewal, reissue, and all other patent applications on any and all such improvements; execute all rightful oaths, declarations, assignments, powers of attorney and other papers; communicate to the Assignee all facts known to the undersigned relating to such improvements and the history thereof; and generally do everything possible which the Assignee shall consider desirable for vesting title to such improvements in the Assignee, and for securing, maintaining and enforcing proper patent protection for such improvements;

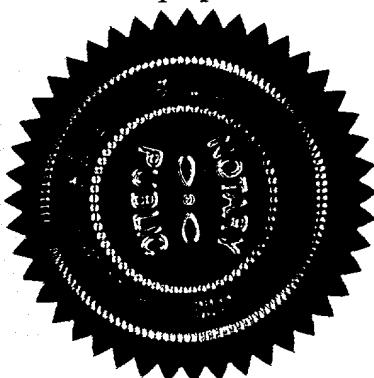
TO BE BINDING on the heirs, assigns, representatives and successors of the undersigned and extend to the successors, assigns and nominees of the Assignee.

Signature: Rajindra Aneja  
Name: Rajindra Aneja

Date: Aug 25, 1998

STATE OF NEW YORK )  
                          ) ss.  
COUNTY OF Tompkins )

BEFORE ME, the undersigned authority, on this 25th day of August, 1998, personally appeared Rajindra Aneja, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same of his own free will for the purposes and consideration therein expressed.



Maureen A. Anguish  
Notary or Consular Officer

MAUREEN A. ANGUISH  
NOTARY PUBLIC, STATE OF NEW YORK  
NO. 01AN5070593  
QUALIFIED IN TOMPKINS COUNTY  
COMMISSION EXPIRES DECEMBER 23, 1998

ARNOLD, WHITE & DURKEE

P. O. Box 4433  
Houston, Texas 77210

2001 Jefferson Davis Hwy., Ste. 401  
Arlington, Virginia 22202